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REMARKS

Claims 1-20 are currently pending in the subject application and are presently under consideration. Favorable consideration of the subject patent application is respectfully requested in view of the comments herein.

I. Rejection of Claims 1-20 Under 35 U.S.C. §102(e)

Claims 1-20 stand rejected under 35 U.S.C. §102(e) as being anticipated by Aravamudan *et al.* (US 6,301,609). This rejection should be withdrawn for at least the following reasons. Aravamudan *et al.* fails to teach or suggest all limitations set forth in the subject claims.

A single prior art reference anticipates a patent claim only if it *expressly or inherently describes each and every limitation set forth in the patent claim*. *Trintec Industries, Inc. v. Top-U.S.A. Corp.*, 295 F.3d 1292, 63 USPQ2d 1597 (Fed. Cir. 2002); *See Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The *identical invention must be shown in as complete detail as is contained in the ... claim*. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989) (emphasis added).

Applicant's claimed invention relates to a system and method to minimize disruptiveness of notifications from various communications modalities *via* bounded deferral policies associated with a notification platform architecture. In particular, independent claim 1 recites: *the bounding system facilitating deferral of the notification based at least in part on the notification classification*. Aravamudan *et al.* does not teach or suggest these novel aspects of the invention as claimed.

Aravamudan *et al.* relates to use of instant messaging in conjunction with access to data and communication network channels and modes. The Examiner contends that the cited document provides a bounding system that facilitates deferral of notifications based at least in part on the notification classification, at col. 2, lines 25-49, col. 5, line 53-col. 6, line 12, and col. 6, line 64-col. 7, line 20. Applicant's representative disagrees. Col. 2, lines 25-49 discloses that a user can create groupings of associates and assign specific priority attributes to particular associates within these groupings. Col. 5, line 53-

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col. 6, line 12, provides that when a user receives an incoming communication, the communication is directed by a services executive to the device at which the user can currently be reached. In addition, col. 6, line 64-col. 7, line 20, discloses that when a user initially logs onto a network utilizing one of the user's client premises equipment devices, that the client software installed on the accessed client premises equipment detects network connectivity and generates a message indicating the user's online status and current address. It would appear therefore that Aravamudan *et al.* discloses a system by which a user can create groupings of associates wherein each associate is assigned (by a user) a discretionary priority level that determines whether messages from a particular associate are communicated directly to the user when the user is online, or directly to the user's proxy when the user is offline.

The Examiner, in the Response to Argument section of the instant Final Office Action, nevertheless asserts that Aravamudan *et al.* discloses the subject limitation at col. 10, lines 25-35. Applicant's representative avers to the contrary and asserts that the Examiner is contextually distorting the paragraph (col. 10, lines 16-51) within which the noted passage is located. Col. 10, lines 16-51 relates specifically to the situation where a user defines a buddy as being a low priority buddy. In this particular situation, the cited passage states that a low priority buddy will not be able to determine the user's real presence online, but nevertheless will always be able to communicate with a user's proxy, *i.e.*, the proxy will always appear available to the low priority buddy, whether or not the user is online or offline, and thus such a buddy can always communicate and interact via the user's proxy. The indicated passage thus, rather than providing for the *deferral of the notification based at least in part on the notification classification*, discloses how and when communications between low priority buddies and the user are to be redirected to the user's proxy.

In view of at least the foregoing comments, it is readily apparent that the cited document does not teach or suggest deferral of notifications based at least in part on the notification classification as recited in the subject claim. Accordingly, the rejection of independent claim 1 (and associated dependent claims) should be withdrawn.

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CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063.

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicant's undersigned representative at the telephone number below.

Respectfully submitted,

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